

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

MICHAEL PONCE,)	
)	
Plaintiff,)	
)	
v.)	Case No. 6:19-03152-CV-RK
)	
WELLS FARGO BANK, N.A., BROKER)	
SOLUTIONS, INC., US BANK, NA AS)	
TRUSTEE FOR SECURITIZED TRUST)	
GINNIE MAE REMIC 2018-034 TRUST,)	
JOHN DOES 1-100 INCLUSIVE,)	
)	
Defendants.)	

ORDER

Plaintiff originally filed this action on March 25, 2019, in Dallas County, Missouri, against Wells Fargo Bank, N.A. (“Wells Fargo”), Broker Solutions, Inc., US Bank, NA, and John Does 1- 100. Plaintiff has alleged five counts in his complaint. Count II is alleged only against Broker Solutions, Inc.; all other counts are alleged against all defendants. Wells Fargo removed the case on April 29, 2019. (Doc. 1.) Wells Fargo subsequently filed a motion to dismiss on June 4, 2019. (Doc. 7.) To date, Plaintiff has failed to provide proof of service for any defendant.

On August 28, 2019, the Court ordered Plaintiff to show cause on or before September 6, 2019, why its claims against Defendants should not be dismissed for failure to provide proof of service to the Court. (Doc. 20.) On September 9, 2019, Plaintiff requested an extension of time to respond to that order. (Doc. 21.) The Court granted that extension and gave the Plaintiff until October 12, 2019, to respond. (Doc. 23.) On October 16, 2019, still having no response from the Plaintiff, the Court again issued an order to show cause. (Doc. 27.) Plaintiff was advised that failure to show cause would result in dismissal of said claims without further notice. To date, Plaintiff has not responded as ordered.

Additionally, on September 12, 2019, the Court provisionally granted Defendant Wells Fargo’s motion to dismiss. (Doc. 22.) The Court gave Plaintiff until September 27, 2019, to file an amended complaint curing the deficiencies outlined in the Court’s order. Then, on October 1, 2019, the Court ordered the Plaintiff to show cause why his claims against Wells Fargo should not

be dismissed for failure to file an amended complaint. (Doc. 24.) Plaintiff was to respond by October 11, 2019. Finally, on October 16, 2019, the Court again issued an order to show cause why Plaintiff's claims against Wells Fargo should not be dismissed and gave the Plaintiff until October 23, 2019 to respond. (Doc. 26.) Plaintiff was advised that failure to show cause would result in dismissal of said claims without further notice. To date, Plaintiff has not responded as ordered.

Accordingly, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, Plaintiff's claims against Defendants, other than Wells Fargo, are **DISMISSED** without prejudice for failure to prosecute. Plaintiff's claims against Wells Fargo are **DISMISSED** with prejudice for failure to comply with the Court's order directing Plaintiff to file an amended complaint.

IT IS SO ORDERED.

s/ Roseann A. Ketchmark
ROSEANN A. KETCHMARK, JUDGE
UNITED STATES DISTRICT COURT

DATED: October 24, 2019